

Safe deposit box hired from any bank, etc., or property delivered for safe-keeping, in names of two or more persons, with right of access or delivery to either, or survivor.

Bank, etc., exempt from liability for permitting such access, or delivery to such person or persons.

Service of writ of attachment on bank, etc., holding credit or property of two or more persons including one whose property is attached.

No withdrawal, etc., until action of court.

Payment, etc., upon order of court a complete discharge of bank, etc.

Credit or property of partnership not affected.

SEC. 2. That when a safety deposit box or vault shall have been hired or shall hereafter be hired from any bank, trust company, savings bank, building association, or other banking institution, including national banks, or any other corporation, transacting business in the District of Columbia, in the names of two or more persons, including husband and wife, with the right of access being given to either, or with access to either or the survivor or survivors of said persons, or property is held for safe-keeping by any such bank, trust company, savings bank, building association, or other corporation or banking institution, including national banks, for two or more persons, including husband and wife, with the right of delivery being given to either, or with the right of delivery to either or the survivor or survivors of said persons, any one or more of such persons, whether the other or others be living or not, shall have the right of access to such safety deposit box or vault and to remove the contents thereof, or any part of such contents, or to have delivered to him or them, the property so held for safe-keeping, or any part thereof, and in case of such removal or delivery the said bank, trust company, savings bank, building association, or other corporation or banking institution, including national banks, shall be exempt from any liability for permitting such access or removal or for the delivery to such person or persons.

SEC. 3. Whenever a writ of attachment shall be served on any bank, trust company, savings bank, or other banking institution, including national banks, or on any other corporation, association, or person as garnishee, and such garnishee holds a credit or property for two or more persons, including the person whose credit or property is sought to be attached, or holds a credit or property for any person as agent or trustee or in any other representative capacity without designation of the principal or beneficiary, such credit or property shall not be subject to withdrawal by any person, but shall be held by the garnishee until the attachment shall have been dismissed or otherwise disposed of by the court. If the credit or property is condemned, payment or delivery thereof as ordered by the court shall be a complete discharge of the garnishee from all liability to any person in respect of said credit or property. The provisions of this section shall not be construed to apply to a credit or property of a partnership.

Approved, May 15, 1928.

May 15, 1928.

[S. 3740.]

[Public, No. 391.]

CHAP. 569.—An Act For the control of floods on the Mississippi River and its tributaries, and for other purposes.

Floods on Mississippi River, etc.

Engineering plan of Chief of Engineers for control of, etc., adopted and authorized to be prosecuted.

Proviso.
Board created, composition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for the flood control of the Mississippi River in its alluvial valley and for its improvement from the Head of Passes to Cape Girardeau, Missouri, in accordance with the engineering plan set forth and recommended in the report submitted by the Chief of Engineers to the Secretary of War dated December 1, 1927, and printed in House Document Numbered 90, Seventieth Congress, first session, is hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers: *Provided*, That a board to consist of the Chief of Engineers, the president of the Mississippi River Commission, and a civil engineer chosen from civil life to be appointed by the President, by and with the advice and consent of the Senate, whose compensation shall be fixed by the President and be paid out of the appropriations made

to carry on this project, is hereby created; and such board is authorized and directed to consider the engineering differences between the adopted project and the plans recommended by the Mississippi River Commission in its special report dated November 28, 1927, and after such study and such further surveys as may be necessary, to recommend to the President such action as it may deem necessary to be taken in respect to such engineering differences and the decision of the President upon all recommendations or questions submitted to him by such board shall be followed in carrying out the project herein adopted. The board shall not have any power or authority in respect to such project except as hereinbefore provided. Such project and the changes therein, if any, shall be executed in accordance with the provisions of section 8 of this Act. Such surveys shall be made between Baton Rouge, Louisiana, and Cape Girardeau, Missouri, as the board may deem necessary to enable it to ascertain and determine the best method of securing flood relief in addition to levees, before any flood-control works other than levees and revetments are undertaken on that portion of the river: *Provided*, That all diversion works and outlets constructed under the provisions of this Act shall be built in a manner and of a character which will fully and amply protect the adjacent lands: *Provided further*, That pending completion of any floodway, spillway, or diversion channel, the areas within the same shall be given the same degree of protection as is afforded by levees on the west side of the river contiguous to the levee at the head of said floodway, but nothing herein shall prevent, postpone, delay, or in anywise interfere with the execution of that part of the project on the east side of the river, including raising, strengthening, and enlarging the levees on the east side of the river. The sum of \$325,000,000 is hereby authorized to be appropriated for this purpose.

All unexpended balances of appropriations heretofore made for prosecuting work of flood control on the Mississippi River in accordance with the provisions of the Flood Control Acts approved March 1, 1917, and March 4, 1923, are hereby made available for expenditure under the provisions of this Act, except section 13.

SEC. 2. That it is hereby declared to be the sense of Congress that the principle of local contribution toward the cost of flood-control work, which has been incorporated in all previous national legislation on the subject, is sound, as recognizing the special interest of the local population in its own protection, and as a means of preventing inordinate requests for unjustified items of work having no material national interest. As a full compliance with this principle in view of the great expenditure estimated at approximately \$292,000,000, heretofore made by the local interests in the alluvial valley of the Mississippi River for protection against the floods of that river; in view of the extent of national concern in the control of these floods in the interests of national prosperity, the flow of interstate commerce, and the movement of the United States mails; and, in view of the gigantic scale of the project, involving flood waters of a volume and flowing from a drainage area largely outside the States most affected, and far exceeding those of any other river in the United States, no local contribution to the project herein adopted is required.

SEC. 3. Except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no money appropriated under authority of this Act shall be expended on the construction of any item of the project until the States or levee districts have given assurances satisfactory to the Secretary of War that they will (a) maintain all flood-control works after their completion, except controlling and regulating spillway structures, including special relief

Differences between adopted project and plans of Mississippi River Commission to be considered by.

Decision of the President on recommendations of Board to be followed.

Limit on power of board.

Execution of project by Mississippi River Commission.

Post, 537.
Surveys between Baton Rouge, La., and Cape Girardeau before undertaking flood control other than levees.

Protection of adjacent lands by diversion works, etc.

Areas within floodways, etc., to be protected pending completion.

No interference with project on east side of the river.

Sum authorized to be appropriated.
Post, p. 930.

Unexpended balances for Mississippi River flood control available.

Vol. 39, p. 948; *Vol.* 42, p. 1505.
Exception.
Post, p. 539.

Local contribution toward cost of flood control declared a sound principle.

Considerations for not requiring it for adopted project.

Great expenditures heretofore made by local interests, national concern in control of the flood, gigantic scale of the project, etc.

Assurances required of States, etc., before expenditure on any item of the project.

Maintain flood control works after completion.

Accept lands turned over to them.

Provide right of way for levees etc. on main river from Cape Girardeau to Head of Passes.

No Federal liability for flood damages.

Proviso.

Land or flowage rights to be acquired where levees not practicable, and lands subject to overflow, but are not now subject thereto by levees on opposite bank.

Flowage rights for additional flood waters caused by diverting main river channel.

Proviso.

Consideration of resulting benefits.

Proceedings in district courts to condemn lands needed for project.

Assessment of value.

Purchase from owner fixing a reasonable price.

Donations accepted.

Condemnation procedure.
Vol. 40, p. 911.

Proviso.

Acquired land given to ownership of States, etc.

Mapping agencies to assist in preparing necessary maps.

Payment for services.

Application of funds for flood work heretofore authorized, and not included on present project.

levees; maintenance includes normally such matters as cutting grass, removal of weeds, local drainage, and minor repairs of main river levees; (b) agree to accept land turned over to them under the provisions of section 4; (c) provide without cost to the United States, all rights of way for levee foundations and levees on the main stem of the Mississippi River between Cape Girardeau, Missouri, and the Head of Passes.

No liability of any kind shall attach to or rest upon the United States for any damage from or by floods or flood waters at any place: *Provided, however,* That if in carrying out the purposes of this Act it shall be found that upon any stretch of the banks of the Mississippi River it is impracticable to construct levees, either because such construction is not economically justified or because such construction would unreasonably restrict the flood channel, and lands in such stretch of the river are subjected to overflow and damage which are not now overflowed or damaged by reason of the construction of levees on the opposite banks of the river it shall be the duty of the Secretary of War and the Chief of Engineers to institute proceedings on behalf of the United States Government to acquire either the absolute ownership of the lands so subjected to overflow and damage or floodage rights over such lands.

SEC. 4. The United States shall provide flowage rights for additional destructive flood waters that will pass by reason of diversions from the main channel of the Mississippi River: *Provided,* That in all cases where the execution of the flood-control plan herein adopted results in benefits to property such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid.

The Secretary of War may cause proceedings to be instituted for the acquirement by condemnation of any lands, easements, or rights of way which, in the opinion of the Secretary of War and the Chief of Engineers, are needed in carrying out this project, the said proceedings to be instituted in the United States district court for the district in which the land, easement, or right of way is located. In all such proceedings the court, for the purpose of ascertaining the value of the property and assessing the compensation to be paid, shall appoint three commissioners, whose award, when confirmed by the court, shall be final. When the owner of any land, easement, or right of way shall fix a price for the same which, in the opinion of the Secretary of War is reasonable, he may purchase the same at such price; and the Secretary of War is also authorized to accept donations of lands, easements, and rights of way required for this project. The provisions of sections 5 and 6 of the River and Harbor Act of July 18, 1918, are hereby made applicable to the acquisition of lands, easements, or rights of way needed for works of flood control: *Provided,* That any land acquired under the provisions of this section shall be turned over without cost to the ownership of States or local interests.

SEC. 5. Subject to the approval of the heads of the several executive departments concerned, the Secretary of War, on the recommendation of the Chief of Engineers, may engage the services and assistance of the Coast and Geodetic Survey, the Geological Survey, or other mapping agencies of the Government, in the preparation of maps required in furtherance of this project, and funds to pay for such services may be allotted from appropriations made under authority of this Act.

SEC. 6. Funds appropriated under authority of section 1 of this Act may be expended for the prosecution of such works for the control of the floods of the Mississippi River as have heretofore been authorized and are not included in the present project, including

levee work on the Mississippi River between Rock Island, Illinois, and Cape Girardeau, Missouri, and on the outlets and tributaries of the Mississippi River between Rock Island and Head of Passes in so far as such outlets or tributaries are affected by the backwaters of the Mississippi: *Provided*, That for such work on the Mississippi River between Rock Island, Illinois, and Cape Girardeau, Missouri, and on such tributaries, the States or levee districts shall provide rights of way without cost to the United States, contribute 33⅓ per centum of the costs of the works, and maintain them after completion: *And provided further*, That not more than \$10,000,000 of the sums authorized in section 1 of this Act, shall be expended under the provisions of this section.

In an emergency, funds appropriated under authority of section 1 of this Act may be expended for the maintenance of any levee when it is demonstrated to the satisfaction of the Secretary of War that the levee can not be adequately maintained by the State or levee district.

SEC. 7. That the sum of \$5,000,000 is authorized to be appropriated as an emergency fund to be allotted by the Secretary of War on the recommendation of the Chief of Engineers, in rescue work or in the repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood including the flood of 1927.

SEC. 8. The project herein authorized shall be prosecuted by the Mississippi River Commission under the direction of the Secretary of War and supervision of the Chief of Engineers and subject to the provisions of this Act. It shall perform such functions and through such agencies as they shall designate after consultation and discussion with the president of the commission. For all other purposes the existing laws governing the constitution and activities of the commission shall remain unchanged. The commission shall make inspection trips of such frequency and duration as will enable it to acquire first-hand information as to conditions and problems germane to the matter of flood control within the area of its jurisdiction; and on such trips of inspection ample opportunity for hearings and suggestions shall be afforded persons affected by or interested in such problems. The president of the commission shall be the executive officer thereof and shall have the qualifications now prescribed by law for the Assistant Chief of Engineers, shall have the title brigadier general, Corps of Engineers, and shall have the rank, pay, and allowances of a brigadier general while actually assigned to such duty: *Provided*, That the present incumbent of the office may be appointed a brigadier general of the Army, retired, and shall be eligible for the position of president of the commission if recalled to active service by the President under the provisions of existing law.

The salary of the president of the Mississippi River Commission shall hereafter be \$10,000 per annum, and the salary of the other members of the commission shall hereafter be \$7,500 per annum. The official salary of any officer of the United States Army or other branch of the Government appointed or employed under this Act shall be deducted from the amount of salary or compensation provided by, or which shall be fixed under, the terms of this Act.

SEC. 9. The provisions of sections 13, 14, 16, and 17 of the River and Harbor Act of March 3, 1899, are hereby made applicable to all lands, waters, easements, and other property and rights acquired or constructed under the provisions of this Act.

Levees specified.

Proviso.
Share in costs of rights of way, etc., by States, etc., between Rock Island and Cape Girardeau, etc.

Expenditure limited.

Funds in emergency for maintenance of a levee, if State, etc., unable to do so.

Emergency fund authorized in rescue work, etc., on tributaries subject to flood. *Post*, pp. 930, 1380, 1381.

Mississippi River Commission to prosecute project.

Inspection trips by, to acquire information of conditions and flood control problems, etc.

Title, rank, etc., of president as executive officer.

Proviso.
Appointment in Army of present president.

Salaries.

Deduction of official salary from amount fixed herewith.

Application of navigable waters, restrictions and penalties. *Vol. 30*, pp. 1152, 1153.

Surveys previously authorized of the Mississippi and tributaries to be speedily prosecuted.

Vol. 44, p. 1015.

Projects for flood control on all tributary streams to be submitted.

Rivers, etc., specified.

Reports to include effect of further flood control of the lower Mississippi, etc., by establishing reservoir systems in drainage basins of the tributaries.

Proviso.

Reports to be transmitted to Congress with conclusions, etc., of Commission thereon.

Additional sum authorized for preparing these projects.

Provisos.

Surveys simultaneously with flood control projects.

Extent, etc., of forestry practice on flood control to be ascertained.

Survey, etc., of the Mississippi below Cape Girardeau.

To report on constructing levees to protect lands subject to greater overflow by levees on opposite side of the river.

To determine, etc., effect on lands between river and adjacent hills by overflow caused by levees at other points.

SEC. 10. That it is the sense of Congress that the surveys of the Mississippi River and its tributaries, authorized pursuant to the Act of January 21, 1927, and House Document Numbered 308, Sixty-ninth Congress, first session, be prosecuted as speedily as practicable, and the Secretary of War, through the Corps of Engineers, United States Army, is directed to prepare and submit to Congress at the earliest practicable date projects for flood control on all tributary streams of the Mississippi River system subject to destructive floods which projects shall include: The Red River and tributaries, the Yazoo River and tributaries, the White River and tributaries, the Saint Francis River and tributaries, the Arkansas River and tributaries, the Ohio River and tributaries, the Missouri River and tributaries, and the Illinois River and tributaries; and the reports thereon, in addition to the surveys provided by said House Document 308, Sixty-ninth Congress, first session, shall include the effect on the subject of further flood control of the lower Mississippi River to be attained through the control of the flood waters in the drainage basins of the tributaries by the establishment of a reservoir system; the benefits that will accrue to navigation and agriculture from the prevention of erosion and siltage entering the stream; a determination of the capacity of the soils of the district to receive and hold waters from such reservoirs; the prospective income from the disposal of reservoir waters; the extent to which reservoir waters may be made available for public and private uses; and inquiry as to the return flow of waters placed in the soils from reservoirs, and as to their stabilizing effect on stream flow as a means of preventing erosion, siltage, and improving navigation: *Provided*, That before transmitting such reports to Congress the same shall be presented to the Mississippi River Commission, and its conclusions and recommendations thereon shall be transmitted to Congress by the Secretary of War with his report.

The sum of \$5,000,000 is hereby authorized to be used out of the appropriation herein authorized in section 1 of this Act, in addition to amounts authorized in the River and Harbor Act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preparation of the flood-control projects authorized to be submitted to Congress under this section: *Provided further*, That the flood surveys herein provided for shall be made simultaneously with the flood-control work on the Mississippi River provided for in this Act: *And provided further*, That the President shall proceed to ascertain through the Secretary of Agriculture and such other agencies as he may deem proper, the extent to and manner in which the floods in the Mississippi Valley may be controlled by proper forestry practice.

SEC. 11. That the Secretary of War shall cause the Mississippi River Commission to make an examination and survey of the Mississippi River below Cape Girardeau, Missouri, (a) at places where levees have heretofore been constructed on one side of the river and the lands on the opposite side have been thereby subjected to greater overflow, and where, without unreasonably restricting the flood channel, levees can be constructed to reduce the extent of this overflow, and where the construction of such levees is economically justified, and report thereon to the Congress as soon as practicable with such recommendations as the commission may deem advisable; (b) with a view to determining the estimated effects, if any, upon lands lying between the river and adjacent hills by reason of overflow of such lands caused by the construction of levees at other points along the Mississippi River, and determining the equities of the owners of such lands and the value of the same, and the commission

shall report thereon to the Congress as soon as practicable with such recommendation as it may deem advisable: *Provided*, That inasmuch as the Mississippi River Commission made a report on the 26th day of October, 1912, recommending a levee to be built from Tiptonville, Tennessee, to the Obion River in Tennessee, the said Mississippi River Commission is authorized to make a resurvey of said proposed levee and a relocation of the same if necessary, and if such levee is found feasible, and is approved by the board created in section 1 of this Act, and by the President the same shall be built out of appropriations hereafter to be made.

Proviso.
Resurvey for levee from Tiptonville to the Obion River in Tennessee.

If feasible, to be built.

SEC. 12. All laws or parts of laws inconsistent with the above are hereby repealed.

Inconsistent laws repealed.

SEC. 13. That the project for the control of floods in the Sacramento River, California, adopted by section 2 of the Act approved March 1, 1917, entitled "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes," is hereby modified in accordance with the report of the California Débris Commission submitted in Senate Document Numbered 23, Sixty-ninth Congress, first session: *Provided*, That the total amounts contributed by the Federal Government, including the amounts heretofore contributed by it, shall in no event exceed in the aggregate \$17,600,000.

Sacramento River, Calif.
Project for flood control of, modified.
Vol. 39, p. 948.
Post, p. 1381.

SEC. 14. In every contract or agreement to be made or entered into for the acquisition of land either by private sale or condemnation as in this Act provided the provisions contained in section 3741 of the Revised Statutes being section 22 of title 41 of the United States Code shall be applicable.

Proviso.
Total amounts restricted.

Interest of Members of Congress in acquisition of lands, prohibited.
R. S., sec. 3741, p. 737.
U. S. Code, p. 1310.

Approved, May 15, 1928.

CHAP. 572.—An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes.

May 16, 1928.
[H. R. 11577.]

[Public, No. 392.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture for the fiscal year ending June 30, 1929, namely:

Department of Agriculture appropriations for fiscal year, 1929.

OFFICE OF THE SECRETARY

Secretary's Office.

SALARIES

For Secretary of Agriculture, \$15,000; Assistant Secretary and other personal services in the District of Columbia, including \$7,294 for extra labor and emergency employments, in accordance with the Classification Act of 1923, and for personal services in the field, \$642,000; in all, \$657,000, of which amount not to exceed \$633,800 may be expended for personal services in the District of Columbia: *Provided*, That in expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the com-

Secretary, Assistant, office personnel, labor, etc.

Provisos.
Salaries limited to average rates under Classification Act.
Vol. 42, p. 1458.

If only one position in a grade.

Advances for unusually meritorious cases.